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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF OREGON

10 SCOTT PETERSON, Individually and)
11 as Trustee for the R. C. HILL TRUST,)

12 Plaintiff,)

13 v.)

14 LINFIELD COLLEGE,)
an Oregon non-profit corporation,)

15 Defendant.)
16 _____)

Civil No. 01-1059-FR

O R D E R

17 FRYE, Judge:

18 The defendant's motion to dismiss (#4) pursuant to Fed. R. Civ. P. 12(b)(1) and (7) is
19 DENIED as to the first and third claims for relief and GRANTED as to the second claim for
20 relief.

21 DATED this 6th day of November, 2001.

22 _____
23 /s/ Helen J. Frye
HELEN J. FRYE
24 United States District Judge
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